

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3211 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PURSHOTTAM D. PATEL

Versus

GUJARAT RAJYA SHALA PATHYAPUSTAK MANDALI

Appearance:

MR TR MISHRA for Petitioner

MR DM THAKKAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/09/96

ORAL JUDGMENT

Heard learned counsel for the parties. Challenge is made by the petitioner to the Award of the Labour Court dated 27.1.84, only to the extent that though he was ordered to be reinstated back in services as Packer, the back wages were not awarded.

2. The petitioner was appointed as Machine Operator on 9.12.1974 in the establishment of respondent. While

he was on duty on 23rd August, 1977, in the Printing Press of the respondent, the petitioner sustained serious injuries on his right hand. The petitioner was treated as indoor patient for aforesaid injury sustained by him and he was discharged from Civil Hospital, Ahmedabad, on 1.11.77. The petitioner sustained 70% temporary disablement because of aforesaid injury sustained by him while working in the press of the respondent. The petitioner approached the respondent for taking him back in the employment, but he was not taken back in services and as such, he raised Industrial dispute which has been referred to the Labour Court. On 1.5.82, the Labour Court made interim Award, under which the respondent was directed to pay Rs.150/- p.m. to the petitioner till final Award is made. Thereafter the final Award has been made on 27.1.84, which is impugned in this Special Civil Application. The Labour Court has directed the respondent to absorb the petitioner as Packer in the pay scale of Rs.200-250, but the back wages were not awarded. The learned counsel for the petitioner has challenged the only part of the Award under which the petitioner has not been awarded the back wages.

3. I have gone through the final Award made by the Labour Court and I am satisfied that it does not call for any interference of this Court. The Tribunal has given cogent reasons not to award any back wages to the petitioner. In the interim Award, it has been directed that the petitioner be given Rs.150/- p.m. In addition to that, for the injury sustained by the petitioner, he has been awarded Rs.20,000/- and odd by way of compensation by the Workmen Compensation Commissioner. These two points have been taken into consideration by the Labour Court to decline to award the back wages to the petitioner. The reasons which have been given by the Labour Court not to grant any back wages to the petitioner cannot be said to be perverse and arbitrary which calls for any interference of this Court. The petitioner was ordered to be given Rs.150/- p.m. vide interim order of Labour Court and as such, it cannot be said that he has not been paid anything towards back wages. It is a case where full back wages were not given and it is in discretion of the Labour Court to what extent the back wages are to be awarded in a given case on facts which have come on record.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. No order as to costs.

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(sunil)